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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,622	12/27/2001	Abbie Parker	10015505-1	9307

7590 03/21/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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Fort Collins, CO 80527-2400

EXAMINER

CHEN, ALAN S

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,622	<b>Applicant(s)</b> PARKER, ABBIE	
	<b>Examiner</b> Alan S Chen	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11-13 and 15-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11-13 and 15-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED FINAL ACTION

### *Response to Arguments*

1. Applicant's arguments filed 01/18/2005, with respect to the rejection(s) of claim(s) 1-27 under 35 U.S.C §102(e) have been fully considered but they are not persuasive. Examiners reasons are given below.

### *Rejections under 35 USC § 102(e)*

#### Claims 1-27

2. Applicant contends "Moro does not teach a system in which a printer driver setting is checked to determine whether that setting would adversely affect print quality, print speed or consumption of printing device consumables. Regarding print quality...print size or use of a wrong print head, does not pertain to print quality, speed, etc".

Examiner disagrees. Firstly, it should be noted that since the three criteria, print quality, print speed and print media consumables are stated in the alternative only, the reference need only to meet one of the criteria as well as the other peripheral limitations within the claim, to effectively deem the patent anticipated. Secondly, Examiner does not agree print quality or print speed does not equate<sup>e</sup> with color or paper size. Under the broadest reason interpretation of the claims, print quality does indeed equate with color or paper size and print speed does at least equates to color. As per print quality, by definition quality means the "degree of excellence" as per Merriam-Webster Online Dictionary. To a human being, it cannot be denied that an image printed on paper depicting, for example, a colorful flower, is better accentuated by color rather than a single tone monochrome color. The colors will clearly enhance the degree of excellence of the image, where several features of the flower can be distinguished versus many features that cannot be seen by a monochrome image. Furthermore, the size of paper also increases the

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degree of excellence of a printed work. For example, finished text intended for print on a “letter” sized sheet of paper may have particular formatting, bordering, framing, etc. that was tailored for the “letter” size sheet of paper. If the printer ran out of “letter” sized paper and used “legal” sized paper, the framing, formatting, bordering may indeed be off mark, e.g., what was intended to fit neatly on one “letter” sized sheet, may now have large amounts of white space wasted and perhaps the framing distorted. The degree of excellence of the textual work is clearly degraded. Therefore, print quality is intrinsically linked to color as well as paper size. As per print speed, it is well known in the art that print speed is affected by whether the printer prints color or black/white. Moro warns if a black ink cartridge is not installed (in Fig. 35, when monochrome is selected) and if one wants to continue to print in color (in Fig. 36, when monochrome is selected in Fig. 35). The speed will clearly degrade if printing in color. Nowhere in the claim language are color and paper size excluded from print quality or speed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. Applicant contends Moro does not teach providing an indication of the degree of severity of the adverse result and that paper size being the wrong size does not equate to indication of the degree of severity of the adverse result in an unwarranted interpretation.

Examiner disagrees. Moro does indeed display a degree of severity of the adverse result. For example, Fig. 36 of Moro, a notification indicates two states, e.g., degrees of severity, of the adverse result. The “continue” button, when the user selects it, indicates the adverse result is not severe enough relative to the user, so that continuing to print will not be detrimental to the user.

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On the other hand, the “stop” button, when the user selects it, indicates the adverse result will be detrimental or very severe, such that the user will not wish to continue printing.

4. The following rejection uses the same prior art reference, addressing the claims in their respective alternative language.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-9, 11-13 and 15-27 are rejected under 35 USC 103(a) as being unpatentable over US Pat. No. 6,327,051 to Moro et al. (hereafter Moro).

7. As per claims 1, 9, 13, 18 and 23, Moro discloses a method and system for providing print outcome notification (Fig. 41, Fig. 42, element S284 and Fig. 48 and Fig. 49, element S354) comprising: determining which print driver settings are selected (Fig. 42, element S281 and S282; Fig. 48 and Fig. 49, element S351 and S352); determining whether one or more of the print driver settings is likely to adversely affect the quality of images or print speed printed on the print media (Fig. 42, element S283 and Fig. 49, element S353); and providing notification to a user that a selected print driver setting may result in an adverse printing result such as the print speed (Fig. 41 and 48). Note that is the notification intrinsically indicates that the print speed or ink consumption will be adversely affected, e.g., in Fig. 48, the color cartridge is not installed and if switched to the monochrome cartridge, print speed and ink consumption will be different.

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8. As per claim 2, Moro discloses claim 1, wherein determining which print driver settings are selected comprises determining a print driver setting that has been selected by the user (Fig. 39 and 47, user can manually select from menu items).

9. As per claim 3, Moro discloses claim 1, wherein determining which print driver settings are selected comprises determining a current default driver setting (Fig. 39 and 47, Default setting is what the menu is configured to before the user manually selects and the Default button can be pressed again by the user to change back to the default setting).

10. As per claims 5, 11, 15, 19 and 24, Moro discloses claims 1, 9, 13, 18 and 23 wherein the step of providing notification comprises facilitating presentation of a warning dialogue box to the user (Fig. 41 and 48 are warning dialogue boxes).

11. As per claims 6-8, 12, 16, 20-22 and 25-27, Moro discloses claims 1, 9, 13, 18 and 23 wherein providing notification comprises providing an indication of the degree of severity of the adverse result (Fig. 41 and 48 indicate to the user that a paper size is wrong, therefore the user knows per his/her print job if it will come out correctly or not depending on whether it fits or not; the user also knows per his/her print job whether monochrome or color will be an impact; based on the judgment of severity, the user chooses whether to continue or not). Note, by pressing OK in the dialog box of 48, it is automatically set to monochrome color where the user does not need to manually replace the color cartridge and automatically go to monochrome printing.

12. As per claim 17, Moro discloses claim 13, further comprising logic configured to cancel printing (Fig. 41, Stop button cancels printing).

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

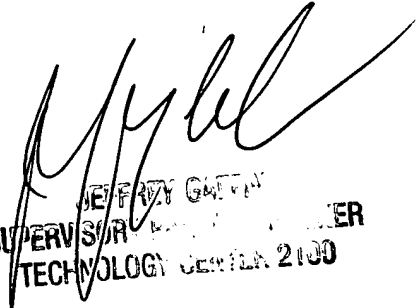
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC  
3/3/2005

  
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